

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ESTATE OF HARRY SMITH, III, HARRY)	
SMITH, JR., AND ROSLYN WOODARD)	
SMITH,)	
)	
Plaintiffs,)	
)	Case No. 04-1254
v.)	
)	
WILMINGTON POLICE DEPARTMENT,)	
MICHAEL SZCZERBA, and ONE OR)	
MORE JOHN DOES,)	
)	
Defendants.)	

**STIPULATION AND ORDER FOR PARTIAL DISMISSAL
AND AMENDMENT TO THE ANSWER**

It is hereby stipulated that:

1. Defendant "Wilmington Police Department" is dismissed WITH PREJUDICE.


This dismissal shall not prejudice any of plaintiffs' remaining claims.

2. Plaintiffs' application for leave to take discovery prior to filing suit, originally filed as Miscellaneous Matter 04-mc-76-GMS and later consolidated with this case, is dismissed WITHOUT PREJUDICE.

3. The answer of defendant Szczerba is amended to add a new paragraph which reads as follows:

75. Plaintiffs Harry Smith, Jr. and Roslyn Woodard Smith lack standing to assert on their own behalf some of the civil rights claims alleged in the complaint.

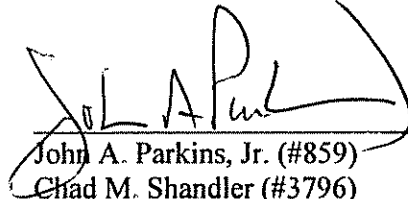
No response to this amended answer is required from plaintiffs.



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